

United States Government

**NATIONAL LABOR RELATIONS BOARD**

Region 30

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[www.nlrb.gov](http://www.nlrb.gov)

September 15, 2004

Mr. Todd M. Stalnaker  
1140 Christopher Drive, Apt. 8  
Neenah, WI 54956

**Re: Midwest Air Traffic Control Service, Inc.  
Case 30-UD-168**

Dear Mr. Stalnaker:

The Region has carefully investigated and considered your petition in the above-captioned case petitioning for an investigation and determination under Section 9(e)(1) of the National Labor Relations Act. The purpose of such a petition is to determine whether or not the majority of the eligible employees within a voting unit covered by an agreement between their employer and a labor organization desire to rescind the authority of such labor organization to require, under such agreement, that employees make certain lawful payments to that labor organization in order to retain their jobs.

***Decision to Dismiss:*** Based on that investigation, I have concluded that further proceedings are not warranted, and I am dismissing your petition for the following reasons:

The evidence shows that the Employer and Union entered into its first collective bargaining agreement on May 18, 2004. This contract is effective from May 18, 2004 until September 30, 2007. The evidence shows that this contract does not contain a valid union-security clause or any clause requiring the payment of dues as a condition of employment. Because there is no valid union-security clause in the contract, I find that no question concerning whether a majority of the bargaining unit employees wish to rescind the union security clause from the contract can be raised.

***Your Right to Seek Review.*** The National Labor Relations Board's Rules and Regulations permits any party to obtain a review of this action by filing a request (eight copies) with the Executive Secretary. If you wish to seek review of this action, your attention is directed to the following.

***Review Request Due Date:*** The request for review must be received by the Executive Secretary in Washington, D.C. by the close of business at 5:00 p.m. (ET) on September 29, 2004. However, if you mail the request for review, it will be considered timely if it is postmarked no later than one day before the due date.

***Extension of Time to File Request for Review:*** Upon good cause shown, the Board may grant special permission for a longer period within which to file. A request for an extension of time should be submitted to the Executive Secretary. A copy of any such request for extension of time should be submitted to me and to each of the other parties to this proceeding and the copy must be served in the same or faster manner as that utilized in filing the request with the Board.

***Request for Review Contents:*** Any request for review (eight copies) must contain a complete statement setting forth the facts and reasons upon which it is based. You should send a copy of the request for review to me. The request for review must be served in the same or faster manner as that utilized in filing the request with the Board.

***Address for Request for Review:*** The request for review should be sent to the Executive Secretary, National Labor Relations Board, 1099 14th Street, N.W., Washington, DC 20570.

Very truly yours,

/s/ Irving E. Gottschalk

Irving E. Gottschalk  
Acting Regional Director

cc: Midwest ATC Services Inc.  
13200 Metcalf Avenue, Suite 110  
Overland Park, KS 66213

Carlson Kort, LC  
Mr. Stephen Kort, Esq.  
800 West 47th Street, Suite 100  
Kansas City, MO 64112

Midwest ATC Services Inc.  
Mr. Shane Gordes  
W6392 Columbus Drive  
Appleton, WI 54914

Professional Air Traffic Controllers  
Organization/PATCO, FPD, NUHHCE,  
AFSCME, AFL-CIO  
Mr. Jack Seddon, Executive Director  
1310 Cross Creek Circle, C-2  
Tallahassee, FL 32301

Executive Secretary  
National Labor Relations Board  
1099 14th Street, N.W.  
Washington, DC 20570

***VIA E-MAIL***